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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,568

03/27/2006

Akihiko Kubota

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EXAMINER

STIMPert, PHILIP EARL

ART UNIT

PAPER NUMBER

3746

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,568	Applicant(s) KUBOTA ET AL.	
	Examiner Philip Stimpert	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, line 5 recites "a crankshaft disposed generally in perpendicular direction." It is not clear to what element or direction the crankshaft is perpendicular, and the claim is rendered indefinite by this lack of clarity.

4. Regarding claim 2, line 3 recites "over a plane." Again, it is not clear what orientation is required by "over," as there appears to be no definition or reference frame for that term in the claims.

5. Regarding claim 3, the claim recites that "the refrigerant gas is called R600a." In this office action, "called" will not be considered, as the name of the refrigerant is an irrelevant limitation. Instead, the claim will be interpreted as: "the refrigerant gas is R600a."

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshima et al. (US 5,816,783).

8. Regarding claim 1, Oshima et al. teach a reciprocating compressor (see Fig. 2) comprising a hermetic container (10), a compressing element (12) accommodated in the hermetic container and compressing refrigerant gas (see abstract), the compressing element including a crankshaft (1) with a main shaft (1) and an eccentric section (1a), a block (4) forming a cylindrical cylinder (4a), a piston (2) reciprocating in the cylinder, a connecting rod (2c) connecting the eccentric section to the piston, a balancing weight (indicated at 1, in Fig. 6A) which would balance vibrations produced by the piston and connecting rod. Oshima et al. also teach that the cylinder (4) is offset (see E in Fig. 6A) such that an axis line of the cylinder and an axis line of the main shaft do not cross each other, and that the center of gravity of the balancing weight is placed opposite to a center of the eccentric section (as seen in Fig. 6A) with respect to the axis line of the main shaft and deviated along a rotating direction of the main shaft from a place just opposite to the center of the eccentric section.

9. Regarding claim 2, Oshima et al. teach that when the piston (2) is at top dead center (as in Fig. 6A), the center of gravity of the balancing weight is substantially on, and thus not over a plane including the axis line of the main shaft and parallel to the axis line of the cylinder. This claim is interpreted as best understood by the examiner, in light of the indefiniteness of the term "over" noted above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. in view of Musso et al. (US 6,695,973).

12. Oshima et al. substantially teach the limitations of claim 1 from which claim 3 depends, as discussed above. Oshima et al. do not teach the use of R600a as a refrigerant. Musso et al. teach several refrigerant gases, including R600a (or isobutane, see entries E and F in the table in col. 3). Musso et al. also teach that "isobutene is usually a commercial product which can contain up to 10% of n-butane," (col. 3, ln. 33-34) and that the use of such materials results in the advantageous reduction of wear in a compressor (col 4, ln. 9-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use R600a as a refrigerant in the compressor of Oshima et al. in order to reduce wear in the compressor.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. in view of Hayasha et al. (US 5,506,486).

14. Oshima et al. substantially teach the limitations of claim 1 from which claim 4 depends, as discussed above. Oshima et al. also teach that the compressor is driven by an electric motor (see abstract). Oshima et al. do not teach that the crankshaft is driven by an inverter operating at a frequency not greater than a commercial power

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frequency. Hayasha et al. teach a control apparatus for a compressor, and in particular teach an inverter (see abstract) used to drive a shaft (220). Hayasha et al. also teach a range of frequencies (Fig. 3) output by the inverter. One of ordinary skill would appreciate that these frequencies are below the supply frequency (usually 60 Hz in America, see col. 10, ln. 35 for example showing cognizance of that fact by Hayasha et al.). Finally, Hayasha et al. teach that optimum efficiencies are obtained by the motor at such frequencies (col. 4, ln. 11-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an inverter to drive the shaft of Oshima et al. at a frequency lower than the commercial power frequency as taught by Hayasha et al., in order to obtain optimum compressor efficiencies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Stimpert whose telephone number is (571)270-1890. The examiner can normally be reached on Mon-Fri 7:30AM-4:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/P. S./
Examiner, Art Unit 3746
12 September 2008